



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/673,116

09/29/2003

Darren James Zellak

RI92403

9839

7590

07/14/2004

Martin Faier, Faier & Faier P.C.
566 W. Adams St. #600
Chicago, IL 60661

EXAMINER

CHIN, PAUL T

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,116

Applicant(s)

ZELLAK, DARREN JAMES

Examiner

PAUL T. CHIN

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-20 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

2. Claims 4, 8, 18 and 20 are objected to because of the following informalities: in claim 4, line 2, the word "a" before "engaging lug" should be changed to -- an --; in claim 8, line 1, and claim 18, line 1, the word "a" before "engagement" should be changed to -- an --; and in claim 20, line 1, the word "a" before "end" should be changed to -- an --. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 2-6,9,13, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Fisher (4,552,039).

Fisher (4,552,039) discloses an apparatus and method comprising a sleeve (56) having a gripper channel, which is a hole through channel and a slot (74) (Fig. 1), a gripper (24,26) slidably mounted in the gripper channel having a handle (24) end and fingers (20,22) at the distal end, the fingers form a slot (Fig. 1), which can be considered as a connector slot, capable of engaging and the fingers (20,22) are substantially drawn into the sleeve. Re claims 4,5, and 9, Fisher (4,552,039) substantially shows an engaging lug (Fig. 1) and the two opposing fingers are a non-slip grip, and a substantially rounded connector slot capable of engaging a substantially rounded connector. It is pointed out that Fisher's apparatus (4,552,039) contains all the structural elements as recited in the above claims while the intended use (i.e. *to engage a connector in a connector slot of a connector*) and the functional limitation (i.e. *capable of engaging a cable connector*) are not patentably significant and it appears that the fingers of Fisher's apparatus (4,552,039) would be capable of engaging a rounded shaped object or a rectangular shaped object.

5. Claims 1,2,4-6, and 8-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Poencot, Jr. (6,571,505).

Poencot, Jr. (6,571,505) discloses an apparatus and method comprising a sleeve (60) having a gripper channel (Fig. 2), a gripper (17) (Fig. 1) *slidably* mounted in the gripper channel having a handle (22,24) end and fingers (40,42) at the distal end, the fingers form a substantially slot (Fig. 7), which can be considered as a connector slot, capable of engaging and the fingers (40,42) are substantially drawn into the sleeve.

Re claim 1, Poencot, Jr. (6,571,505) further shows external stops (36,38) preventing the gripper from sliding through the sleeve.

Re claims 4,5, and 9, Fisher (4,552,039) substantially shows an engaging lug (44,46) (Fig. 7) or non-slip grip, and the two opposing fingers are a non-slip grip, and a substantially rounded connector slot capable of engaging a substantially rounded connector.

Re claim 10, Poencot, Jr. device (6,571,505) is being made of plastic (Col2 ,lines 23-29).

Re claim 15, Poencot, Jr. device (6,571,505) shows a finger rest (51) (Fig. 7).

Re claim 20, Poencot, Jr. device (6,571,505) shows en end of each finger having a plurality of gripping ridges (44,46). It is pointed out that Poencot, Jr. device (6,571,505) contains all the structural elements as recited in the above claims while the intended use (i.e. *to engage a connector in a connector slot of a connector*) and the functional limitation (i.e. *capable of engaging a cable connector*) are not patentably significant and it appears that the fingers of Poencot, Jr. device would be capable of engaging a rounded shaped object or a rectangular shaped object.

Allowable Subject Matter

6. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (703) 305-1524. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PAUL T. CHIN
Examiner
Art Unit 3652

